

**Notice of Allowability**

Application No.

09/773,285

Examiner

ROBERT J. CANFIELD

Applicant(s)

KUIPERS ET AL.

Art Unit

3635

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/20/09 telephonic interview.
2. ☒ The allowed claim(s) is/are 1-15 and 17-28.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

/Robert J Canfield/  
Primary Examiner, Art Unit 3635

1. This Office action is in response to the Appeal Brief filed 06/11/07 and the telephonic interview held 10/20/09.
2. Applicant's arguments with respect to Ackerly '179, Brooks '538, Takagi '691 and Richardson '504 have been considered and found persuasive.
3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mark Maki on 10/20/09.

The application has been amended as follows:

## **DRAWINGS**

The following changes to the drawings have been approved by the examiner and agreed upon by applicant: Figure 6 requires a bracket "}". 37 CFR 1.84(h)(1) states that when an exploded view is shown in a figure which is on the same sheet as another figure, the exploded view should be placed in brackets.

In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

## **SPECIFICATION**

At the last line of page 5, change "Figures 4, 5 and 7" to -- Figures 4 and 7 --.

At the last line of [0035] change "holes 28" to -- bores 29 --.

At line 3 of [0042] change "23" to -- 21 -- and change "24" to -- 22 --.

At line 3 of [0044] change "Figure 6" to -- Figure 9 --.

At line 7 of [0062] change "130" to -- 131 --.

## **CLAIMS**

### **CLAIM 1**

Line 33, change "glass edge is" to -- glass faces are --.

### **CLAIM 2**

Line 33, change "glass edge is" to -- glass faces are --.

**CLAIM 3**

Line 4, change "edge" to -- face -- ,

Line 5, change "edge" to -- faces -- .

**CLAIM 8**

Lines 26-27, change "glass edge is" to -- glass faces are -- .

**CLAIM 9**

Line 4, change "edge" to -- faces -- .

**CLAIM 15**

Line 37, change "said glass edge" to -- said glass faces -- .

**CANCEL CLAIM 16.**

4. Claims 1-15 and 17-28 are allowed.

5. The following is an examiner's statement of reasons for allowance: the prior art of record fails teach or adequately suggest the combination of a weight bearing support structure with a removable glass panel assembly where the glass panel assembly includes an edge frame having a channel having an opening that is narrower than the

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thickness of the glass panel and with generally parallel walls where one wall is resiliently deflectable such that the glass faces are in tight fitting compressive contact with the channel walls or wherein at least one of the interior surfaces of the channel walls is provided with a shearable coating that conforms to the shape of the glass panel. While the combination of a weight bearing support structure with a removable glass panel assembly is known, for example as illustrated in figure 23 of Kelly et al. ' 835, and channel shaped edge frames having parallel resilient walls are known, as for example as illustrated in Figure 3 of Downs '909, there is no motivation to combine the references to result in the claimed invention.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 3,158,909 to Downs teaches a rigid sash frame 20 having a channel with generally parallel walls 42 and 44 with one wall 44 being resiliently deflectable.

U.S. Patent 4,114,331 to Yamamoto teaches channel 54 which snugly receives panel 55.

U.S. Patent 4,631,894 to Jerila teaches the use of channel shaped framing members with a deflectable wall.

U.S. Patent 4,876,835 to Kelly et al. provides an office furniture component including a weight bearing support structure 40 and a glass panel assembly 30d removably connected (column 15, lines 64+) to the support structure

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U.S. Patent 5,038,539 to Kelley et al. teaches an office furniture arrangement having a glass panel supported in a frame as shown in figure 22.

U.S. Patent 5,860,264 to Gephart et al. teaches at the time of the invention it was known to provide glass panel assemblies with an edge frame joined to the peripheral edge of a glass panel 10 the edge frame including an elongate rigid (aluminum extrusion) rail 14 including a fixing channel 78 defining an opening narrower than the thickness of the glass (column 4, lines 48-49), the fixing channel including spaced apart channel walls 62 and 70.

U.S. Patent 6,065,249 to Gephart et al. teaches channel shaped rails and stiles (Figure 2) snugly receiving a glass panel 10.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT J. CANFIELD whose telephone number is (571)272-6840. The examiner can normally be reached on M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rich Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Robert J Canfield,  
Primary Examiner  
Art Unit 3635

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